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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jason Hillyard

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/924,306	Applicant(s) HILLYARD, JASON	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-23 is/are rejected.
- 7) ☒ Claim(s) 5, 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

1. In view of the appeal Brief filed on 01/23/2006, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 4, 7, 9, 13, 15-17, 20, 21 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Salonidis et al. (U.S. 6,865,371).

Regarding claim 1, with respect to figures 1, 3 Salonidis teaches a method for establishing a connection between wireless devices, comprising:

performing an inquiry (fig.3, item 301).

performing an inquiry scan (302, fig.3) for a random duration (col.7, lines 18-19) following the inquiry (fig.3, item 302; col.7, lines 14-19, 51-67, col.8, lines 1,2)

establishing the connection after receiving a device address in response to the inquiry (col.2, lines 8-13, col.7, lines 51-63). Also Col.7 states "Inquiry or INQUIRY SCAN is random" and since I and S happens one after another (fig.1) therefore, the duration of each I and S and the interval between I's and S's are all random.

Regarding claim 3, Salonidis teaches paging the device address (fig.1; col.2, lines 8-22, col.7, lines 51-63).

Regarding claim 4, Salonidis teaches establishing the connection after receiving an inquiring device inquiry during the inquiry scan (fig.1,3; col.2, lines 8-22, col.7, lines 51-63).

Regarding claims 7 and 20, with respect to figures 1, 3 Salonidis teaches a method for establishing a connection between wireless devices, comprising:

performing an inquiries (all the I's of either Unit A or Unit B (fig.3)) at random duration (fig. 3; col.7, lines 18-19);

performing an inquiry scan and a page scan when not performing the inquiries (fig.1, 3; col.7, lines 51-67, col.8, lines 1,2); (Reference shows that performing Inquiry Scan when not performing Inquiry, also the prior art say that fig.1 is used to establish connection (Col.7, lines 37-39)

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upon receiving (col.3, line 13) a first device address in response to one of the inquiries, paging (col.3, lines 21-25) the first device address to establish the connection (fig.1; col.3, lines 10-28).

upon receiving an inquiring device inquiry during the inquiry scan, responding with a second device address, and if the second device address is paged during the page scan, establishing the connection (fig.1; col.3, lines 10-49, col.7, lines 51-67, col.8, lines 1,2).

Regarding claims 9 and 15, Salonidis teaches the wireless devices are not assigned client/server roles prior to establishing the connection (fig.1, 3; col.7, lines 51-67).

Claim 13 is rejected for the same reasons as discussed above with respect to claims 1 and 7. Salonidis teaches at the second wireless device, performing second inquiries at random intervals and performing second inquiry scans when not performing the second inquiries (fig.1, 3; col.7, lines 14-19).

Claim 16 is rejected for the same reasons as discussed above with respect to claims 1 and 13.

Regarding claim 17, Salonidis teaches sending a first device address to the second wireless device, wherein the first device address corresponds to the first wireless device (fig.1, 3; col.2, lines 8-22, col.7, lines 14-19).

paging the first wireless device using the first device address, thereby establishing the connection (fig.1, 3; col.2, lines 8-22, col.7, lines 14-19).

Regarding claim 21, Salonidis teaches means for providing a second device address upon receiving a discovering device inquiry during one of the inquiry scans, wherein the second device address identifies the wireless device (fig.1, 3; col.2, lines 8-22, col.7, lines 14-19).

Salonidis further teaches means for establishing the wireless link upon receiving a page to the second device address (fig.1, 3; col.2, lines 8-22, col.7, lines 14-19).

Regarding claim 23, Salonidis teaches configuration information is stored in the memory (fig.8, item 804) upon establishing the wireless link (col.4, lines 34-43).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 2, 8, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salonidis et al. (U.S. 6,865,371) in view of Jonsson et al. (U.S. Pub. No. 2003/0036350).

Regarding claims 2, 8, 14 and 22, Salonidis does not specifically teach that the inquiry has a fixed duration. Tada teaches the inquiry has a fixed duration (page 5, paragraph 0077).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salonidis to incorporate the inquiry having a fixed duration in order to get receive response from other device periodically.

7. Claims 10-12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salonidis et al. (U.S. 6,865,371) in view of Jonsson et al. (U.S. Pub. No. 2003/0036350).

Regarding claim 10, Salonidis teaches an attempt to establish a connection and re-attempt to establish the connection after failure to establish the connection (fig.1, 3; col.7, lines 51-67).

storing configuration information upon the connection being established (col.4, lines 34-43).

Salonidis fails to teach re-establishing the connection using the configuration information upon the connection being lost. Jonsson teaches re-establishing the connection using the configuration information upon the connection being lost (page 5, paragraph 0043). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salonidis to allow re-establishing the connection using the configuration information upon the connection being lost as taught by Jonsson. The motivation for the modification is to have doing so in order to get connected with the device going beyond the range.

Regarding claim 11, Salonidis teaches an attempt to establish a connection and re-attempt to establish the connection after failure to establish the connection (fig.1, 3; col.7, lines 51-67).

However, Salonidis fails to teach re-establishing is attempted a number of attempts until the connection is re-established, and if the connection is not reestablished, returning to operation. Jonsson teaches re-establishing is attempted a number of attempts until the connection is re-

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established, and if the connection is not reestablished, returning to operation (page 5, paragraph 0043). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salonidis to allow re-establishing being attempted a number of attempts until the connection is re-established, and if the connection is not reestablished, returning to operation as taught by Jonsson. The motivation for the modification is to have doing so in order to try to reconnected with the device going beyond the range.

Regarding claim 12, Salonidis teaches configuration information comprises role and device address information (col.4, lines 44-46).

Claim 18 is rejected for the same reasons as discussed above with respect to claim 10. Salonidis teaches assigning a server role to the first wireless device and a client role to the second wireless device (col.4, lines 44-46).

Claim 19 is rejected for the same reasons as discussed above with respect to claim 11. Salonidis teaches re-establishing comprises paging the first wireless device, wherein the paging is repeated a first number of attempts until the connection is established, and if the connection is not established, returning to operation (fig.1,3; col.7, lines 51-63).

Allowable Subject Matter

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Reasons for allowance: the prior art Salonidis fails to teach an inquired device performing a page scan while performing said inquiry scan. Salonidis teaches an inquired device performing page scan after performing inquiry scan. Salonidis's device tries to establish connection with one scanned device whereas claimed wireless device tries to establish connection with multiple scanned devices at the same time. Therefore, it is not obvious to modify Salonidis by any other teaching to teach the claimed **performing a page scan while performing said inquiry scan**. Salonidis does not need to perform both page scan and inquiry scan at the same time.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rune et al. (U.S. 2001/0029166) teach Intelligent piconet forming, Karaoguz et al. (U.S. 2002/0059434) teach Multi-mode controller and Haartsen (U.S. 6,490,446) teach Uncoordinated frequency hopping cellular system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

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May 1, 2006


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